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60426-616

REMARKS

Applicant thanks Examiner for the detailed analysis and comments. Claims 1 and 13 have been amended. Amended claim 1 requires a processor in communication with a battery, a transmission device, and an energy storage device, where the processor causes the battery to charge the energy storage device when the processor predicts that a battery voltage will fall below the nominal voltage required to operate the transmission device such that energy from the battery and the energy storage device are combined to power the transmission device to provide at least the nominal voltage required to operate the transmission device. Amended claim 13 requires the step of charging an energy storage device with energy from a battery responsive to the predicting step indicating that the battery voltage will fall below the nominal voltage during operation of the transmission device. The amendments present no new matter and are supported by the specification as originally filed as shown by the closed system illustrated in Figure 1.

Claims 1-4 were rejected as being obvious over Vanderslice, Jr et al. (U.S. 5,362,942) as modified in view of Miller (U.S. 6,271,648). However, the proposed modification of Vanderslice Jr. in view of Miller fails to disclose or suggest the limitations of claim 1. Vanderslice Jr. discloses a method and device for monitoring and heating a battery to maintain a desired voltage output of the battery. The method includes cyclical charging and draining of the battery. The battery in Vanderslice Jr. is part of a circuit that can include a DC charger or an AC battery heater. Energy is input into the battery by the DC charger or by the AC battery heater. Vanderslice Jr. does not disclose or suggest use in a transmitter. The office action proposes that combining Vanderslice Jr. with Miller discloses use with a transmitter. Miller discloses a method of preconditioning a battery in an hybrid vehicle. In basic terms, both Vanderslice Jr. and Miller disclose a process or device for heating or charging a battery.

The claimed invention does recite heating or charging of a battery. Further, Miller fails to disclose a transmission device having a nominal voltage as is required by claims 1 and 13. The office action read transmission (22) of Miller (Figure 2) as a "transmission device". However this is merely a conventional transmission that is part of a driveline common to any automobile for coupling an engine to a driveline and is not powered by any battery or other voltage source. (Miller, Col 3, lines 39-44). Accordingly, the proposed combination does not disclose or suggest a transmission device having an associated nominal voltage. Miller and Vanderslice Jr. disclose devices that heat and charge a battery. That is energy from some other source is input into the

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battery to maintain a desired condition of the battery. The proposed combination does not disclose providing power from a battery and another energy storage device to provide the required nominal voltage to a transmission device. Accordingly, because the proposed modification of Vanderslice Jr. with Miller does not disclose the requirement of claim 1, Applicant believes this rejection is overcome and requests withdrawal of the rejection to claims 1-4.

Claims 5, 10-15, and 18-20 were rejected as being obvious over the combination of Vanderslice, Jr et al. as modified in view of Miller, and further in view of Dougherty et al. (US 6,144,185). As discussed above the combination of Miller and Vanderslice Jr. fail to disclose or suggest the requirement of amended claim 1. Miller fails to disclose a transmission device with an associated nominal voltage. Vanderslice Jr. and Miller both fail to disclose a device that provides power from a battery and an energy storage device to a transmission device. Both Vanderslice Jr. and Miller provide energy to the battery to maintain a desired condition of the battery. For these reasons alone the proposed combination fails to disclose or suggest the requirements of amended claim 1. Dougherty et al. is included as disclosing a method and device for predicting battery voltage. However, the addition of Dougherty et al. to the combination still fails to disclose or suggest the requirements of claim 1.

Claim 13 requires the step of charging an energy storage device with energy from a battery responsive to the predicting step indicating that the battery voltage will fall below the nominal voltage during operation of the transmission device. The proposed combination fails to teach charging an energy storage device with the battery. Vanderslice Jr. and Miller both disclose the use of a separate charger for charging the battery, and therefore do not disclose or suggest the limitations of claim 13. Accordingly, the rejection of claims 5,10-15, and 18-20 is believed overcome as the proposed combination fails to disclose or suggest the requirements of independent claims 1 and 13.

Claims 6-9, 16 and 17 were rejected as obvious over the disclosure in Vanderslice Jr. Claims 6-9, 16 and 17 all depend from an allowable base claim and are therefore also in allowable form. Applicant requests withdrawal of the rejection to these claims.

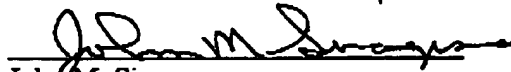
Applicant has addressed all objections and rejections and believes that this application is condition for allowance, and requests such action. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the

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account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



John M. Siragusa
Registration No. 46,174
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360
Facsimile: (248) 988-8363

Dated: June 24, 2005